

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NORTH FOREST DEVELOPMENT, LLC,

Plaintiff,

v.

ORDER  
06-CV-378A

WALDEN AVENUE REALTY ASSOCIATES, LLC,  
BURGIO AND COMPOFELICE, INC., and  
ROBERTS, SHACKLETON & BOY ARCHITECTS  
& ENGINEERS, P.C.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 23, 2007, Magistrate Judge filed a Report and Recommendation, recommending that defendants' motions be granted to the extent that they seek dismissal of plaintiff's claim for trade dress infringement (in its third cause of action) and plaintiff's fifth through ninth causes of action, and that the motions be otherwise denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motions are granted to the extent that they seek dismissal of plaintiff's claim for trade dress infringement (in its third cause of action) and plaintiff's fifth through ninth causes

of action, and the motions are otherwise denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: August 9, 2007